(2)

No. 98-223

In the

Supreme Court of the United States

October Term, 1998

STATE OF FLORIDA,

Petitioner,

v.

TYVESSEL TYVORUS WHITE,

Respondent.

On Writ of Certiorari
To the Supreme Court of Florida

BRIEF OF THE STATES OF ARKANSAS, CALIFORNIA, DELAWARE, GEORGIA, HAWAII, IDAHO, ILLINOIS, INDIANA, IOWA, KANSAS, MARYLAND, MICHIGAN, MONTANA, NEBRASKA, NEVADA, NEW JERSEY, NORTH DAKOTA, OHIO, OKLAHOMA, PENNSYLVANIA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, UTAH, VIRGINIA, WASHINGTON, AND WYOMING AS AMICI CURIAE IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Does the Fourth Amendment require law enforcement officers to obtain a warrant before they may seize a motor vehicle which they have probable cause to believe is subject to forfeiture under state law?

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INTEREST OF THE AMICI CURIAE

Amicus State of Arkansas, together with 26 other amici States, write in support of the Petitioner, State of Florida, urging the Court to reverse the decision of the Florida Supreme Court. All of the amici have statutes permitting the forfeiture of vehicles that have been used in drug transactions, most of which also permit seizure of a vehicle without judicial process where officials have probable cause to believe the vehicle is subject to forfeiture under the law. *See* Appendix. The decision below concluded, however, that the Fourth Amendment requires such forfeiture seizures be made only with a warrant.

The ability to seize vehicles without a warrant where there is probable cause to believe they are subject to forfeiture is an issue of great concern to amici for both legal and practical reasons. First, forfeitures are an effective and important tool in combating criminal activity, particularly drug crimes. Second, the goals served by forfeiture would be unnecessarily impeded by a rule requiring that police officers obtain a warrant to seize a vehicle which they have probable cause to believe is subject to forfeiture – just as the necessity of obtaining a warrant would unnecessarily impede the objectives of the search of a vehicle which police have probable cause to believe contains contraband. Law-enforcement officials need to make decisions about vehicle seizures in light of the practicalities of ongoing criminal investigations and the exigencies present in dealing with automobiles, including the decision whether to obtain a warrant. Because most of the amici's statutes provide police that flexibility, amici join together to defend those statutory schemes and to ask the Court to reverse the lower court's conclusion that the Fourth Amendment erects an obstacle to the important goals served by those statutes.

STATEMENT OF THE CASE

Sometime in late July and early August 1993, police observed and videotaped Respondent White's car being used to conduct illegal drug trafficking. On October 14, 1993, police officers from the Bay County Joint Narcotics Task Force arrested White at work for making an unrelated drug sale. Before arresting White, the officers concluded that his car was subject to forfeiture under the Florida Contraband Forfeiture Act based on the drug trafficking observed in the summer.[1] Consistent with that law, the officers seized White's car from his employer's parking lot without a warrant and took it (and him) to the task force headquarters. In a later inventory search of the car, officials found two rocks of crack cocaine in its ashtray. Pet. App. A-2 & n.2, A-15, A-25, A-26.

Based on that evidence, White was charged with possession of a controlled substance. White challenged the admission of the rocks of cocaine discovered in his car, but the trial court reserved a ruling on his suppression motion until after the jury returned its verdict. After the jury found White guilty and after a subsequent hearing, the trial court denied White's motion. On appeal to the District Court of Appeal of Florida, First District, White challenged the initial, warrantless seizure of his car as a violation of the Fourth Amendment because it was conducted without a warrant or probable cause to search the vehicle. Pet. App. A-3, A-26. Relying on the "automobile

[1] Section 932.702(3) of the Florida Statutes authorizes the state to seize vehicles used "to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article." Section 932.703(2)(a) provides that "[p]ersonal property may be seized at the time of the violation or subsequent to the violation. . . ."

exception" to the warrant requirement and precedent from other courts (including the Eleventh Circuit), the District Court of Appeal concluded that the police could seize White's car without a warrant and that the forfeiture law required only that they have probable cause to believe the car was subject to forfeiture, not that it currently contained contraband. *Id.* at A-28 to A-32.

Finding an absence of precedent directly on point, the District Court of Appeal certified to the Florida Supreme Court the question whether a warrantless seizure under the "Florida Forfeiture Act" violates the Fourth Amendment. Pet. App. A-33. The Florida Supreme Court answered that question in the affirmative. The court reasoned that the "automobile exception" to the warrant requirement did not apply because the "government had no probable cause to believe that contraband was present in White's car." It further reasoned that no exigency existed because police had White in custody at the time of the seizure. *Id.* at A-9 to A-11.

SUMMARY OF ARGUMENT

I. A. Forfeiture statutes are older than the Nation itself, and statutes enacted by the early Congresses permitted police to search vehicles without a judicial warrant when they had probable cause to believe the vehicles contained contraband subject to forfeiture. Some of these early laws expressly permitted law enforcement officers to seize not only contraband found within the vehicles but also the vehicles themselves. Florida's forfeiture statute not only is part of a long historical tradition, it is commonplace today. Almost all states have a statute that authorizes warrantless seizure of vehicles under a drug-forfeiture law.

B. Warrantless seizures of vehicles which police have probable cause to believe are subject to forfeiture are categorically reasonable, consistent with two longstanding Fourth Amendment doctrines. First, the "plain view" doctrine permits the police to seize items without a warrant when the police are otherwise lawfully present and they have a right of access to the items – as they do with respect to vehicles subject to forfeiture and parked in public places. This Court has made clear that individuals do not retain privacy interests in objects placed in public view, and any possessory interest of the individual is outweighed by the state's compelling interest in forfeiture. The lower court's concern about the absence of exigent circumstances is misplaced. The "plain view" doctrine does not depend upon the presence of exigent circumstances; any delay between the police's obtaining probable cause to seize for forfeiture and the actual seizure has no constitutional significance.

C. Second, the "automobile exception" permits police to act on probable cause without a warrant due to the inherent mobility of automobiles. That same concern dictates reversal here. The compelling interests served by forfeiture statutes would be undermined if police had to obtain warrants before seizing vehicles that are easily movable. On the other side of the balance, as discussed with respect to the "plain view" doctrine, seizure of property subject to forfeiture and placed in public view does not invade any reasonable expectation of privacy.

II. Although no due process question is presented by the case, amici briefly address the issue because the Florida Supreme Court touched upon it in its Fourth Amendment holding. This Court has already held that the due process

requirements of pre-seizure notice and a hearing are not required to seize a vehicle subject to forfeiture, due to the mobility of the vehicle, the significance of the governmental interest, and the fact that the seizure is directed to public purposes. Each of these considerations is satisfied when the police seize, without a warrant, a vehicle which they have probable cause to believe is subject to forfeiture.

ARGUMENT

I. THE FOURTH AMENDMENT DOES NOT REQUIRE POLICE TO OBTAIN A WARRANT TO SEIZE A VEHICLE WHICH THEY HAVE PROBABLE CAUSE TO BELIEVE IS SUBJECT TO FORFEITURE

Warrantless seizures by police of items subject to forfeiture – including vehicles – have been understood as reasonable since the Founding. This historical practice is consistent with present Fourth Amendment doctrine, which teaches that (1) police may seize objects that are in "plain view" without a warrant and (2) warrantless seizures of automobiles based on probable cause are permissible given the inherent mobility of automobiles.

A. Since the Founding, Contraband and Vehicles Carrying it Have Been Considered Forfeitable and Subject to Seizure Without a Warrant

Laws passed by the early Congresses provide good evidence of what searches and seizures should be considered reasonable under the Fourth Amendment. *Carroll v. United States*, 267 U.S. 132, 150-51 (1925). Those laws support the constitutionality of the Florida statute. Statutes authorizing

civil forfeiture have a long historical pedigree. As this Court has observed, "almost immediately after adoption of the Constitution, ships and cargoes involved in customs offenses were made subject to forfeiture under federal law." *Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, 683 (1974) (footnote omitted). Those forfeiture proceedings were *in rem* actions against the goods themselves, whose jurisdiction depended upon the seizure of the goods. *United States v. Ursery*, 518 U.S. 267, 277 (1996).

More to the point, both before the Founding and at the time of adoption of the Fourth Amendment, forfeiture statutes authorized warrantless searches and seizures of contraband. *See Carroll*, 267 U.S. at 149-53. Thus, in *Carroll*, the Court listed a variety of early federal forfeiture statutes that authorized searches of vessels and the seizure of contraband within them – and emphasized that those statutes did not require law enforcement officers to obtain warrants. *Id.* at 151. The Court contrasted this with the general requirement to obtain a warrant before searching a dwelling, and noted the impracticability of obtaining a warrant to search a movable vessel. *Id.* at 153. Accordingly, "individuals always had been on notice that movable vessels may be stopped and searched on facts giving rise to probable cause that the vehicle contains contraband." *United States v. Ross*, 456 U.S. 798, 806 n.8 (1982).

Some early laws expressly permitted (or were interpreted to permit) law enforcement officers not only to search vessels and seize contraband within them without a warrant, but also to seize the vessels themselves without a warrant. *Carroll*, 267 U.S. at 151-53 (containing examples). The exigency that militated in favor of a warrantless search likewise militated in

favor of a warrantless seizure of the vessel. Americans have therefore also long been on notice that, if their vehicles are subject to forfeiture, the vehicles may be seized without a warrant, just as they could be searched without one.

The foregoing demonstrates that even if Florida's contraband forfeiture law were unique today it would be in rather good historical company. But far from unique, Florida's law is not unlike that in nearly all the states, virtually all of which authorize warrantless seizure of vehicles under a drug-forfeiture law. *See* Appendix. The widespread use of such statutory schemes suggests that now, as at the Founding, such seizures are understood to be reasonable. *Cf. Tennessee v. Garner*, 471 U.S. 1, 15-16 (1985) (discussing state practice as relevant to meaning of Fourth Amendment reasonableness). Indeed, the laws authorizing such seizures are, like the case law approving the forfeiture of an innocent owner's property described in *Bennis v. Michigan*, 516 U.S. 442, 448 (1996) (quoting *J.W. Goldsmith, Jr.-Grant Co. v. United States*, 254 U.S. 505, 511 (1921)), "too firmly fixed in the punitive and remedial jurisprudence of the country to be now displaced."

B. The Warrantless Seizure of White's Automobile was Permissible Under a Straightforward Application of the "Plain View" Doctrine

1. Under the "plain view" doctrine, "if police are lawfully in a position from which they view an object, if its incriminating character is immediately apparent, and if the officers have a lawful right of access to the object, they may seize it without a warrant." *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993). The purpose of the doctrine is to "extend[] to nonpublic places such as the home . . . the police's

longstanding authority to make warrantless seizures in public places of such objects as weapons and contraband." *Arizona v. Hicks*, 480 U.S. 321, 326-27 (1987) (citing *Payton v. New York*, 445 U.S. 573, 586-87 (1980)).

Properly understood, the doctrine is not an exception to the warrant requirement, but reflects the recognition that if "an article is already in plain view, neither its observation nor its seizure would involve any invasion of privacy." *Horton v. California*, 496 U.S. 128, 133 (1990); *see G.M. Leasing Corp. v. United States*, 429 U.S. 338, 351 (1977) (the "seizures of the automobiles . . . took place on public streets, parking lots, or other open places, and did not involve any invasion of privacy"). A seizure may implicate an owner's possessory interest in the article. *Id.* at 134. But as Justice Stevens has explained, "if an officer has probable cause to believe that a publicly situated item is associated with criminal activity, the interest in possession is outweighed by the risk that such an item might disappear or be put to its intended use before a warrant could be obtained." *Texas v. Brown*, 460 U.S. 730, 748 (1983) (Stevens, J., concurring in the judgment).

The "plain view" doctrine fully applies when the object in plain view is subject to seizure under a forfeiture statute. *See Brown*, 460 U.S. at 737 (for "plain view" doctrine to apply, "it must be 'immediately apparent' to the police that the items they observe may be evidence of a crime, contraband, or otherwise subject to seizure") (citing *Coolidge v. New Hampshire*, 403 U.S. 443, 466 (1971)). Any suggestion that an exception to the doctrine should be made for property subject to contraband forfeiture statutes not only is inconsistent with this Court's precedents but ignores the important public purposes underlying those statutes.

Among the important goals of state forfeiture statutes are encouraging property owners to take measures to prevent their property from being used for illegal purposes, abating nuisances, preventing further illicit uses of property, removing dangerous or forbidden goods from circulation, and ensuring that persons do not profit from their illegal acts. *See Ursery*, 518 U.S. at 284. The ability to accomplish those objectives is, however, "dependent upon the seizure of a physical object." *Id.* at 277 (quoting *United States v. One Assortment of 89 Firearms*, 465 U.S. 354, 363 (1984)).

2. Application of these "well settled" principles, *Payton*, 445 U.S. at 586, resolves this case. Respondent White's car was in his employer's parking lot, a public place; the police were lawfully in that lot when they viewed and then seized the car; and the police had probable cause to believe the car was subject to forfeiture under state law. Accordingly, the "plain view" doctrine applied and the police were not required to obtain a warrant before seizing the car. The outcome is no different than if White had left a bag of cocaine or a gun on the parking lot. By leaving in a public place an object that was, on its face, subject to seizure, White lost any right to demand additional Fourth Amendment safeguards as to its seizure.[2]

Whether a vehicle's statutory classification makes it contraband *per se* or derivative contraband (e.g., as an instrumentality of a crime), does not change the reasonableness of its warrantless seizure. The car owner has still lost any privacy interest against the car's seizure by leaving it in a

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[2] White has not challenged, and the Question Presented does not address, the police's right to conduct the inventory search of White's car or the scope of that search assuming the seizure of the car was valid.

public place, and the car is still lawfully subject to seizure under state law. Moreover, the government has compelling interests in seizing vehicles that served as instrumentalities of crimes. *Calero-Toledo*, 416 U.S. at 687.

The Florida Supreme Court held that the Fourth Amendment required the police to obtain a warrant before seizing White's car because it concluded that no exigent circumstances were established. Pet. App. A-8. The "plain view" doctrine, however, does not depend upon the presence of exigent circumstances. Although exigent circumstances are sometimes necessary to justify a warrantless invasion of a person's privacy, they are not required before the police may seize contraband when there is a "prior justification for an officer's 'access to an object.'" *Brown*, 460 U.S. at 739 (plurality opinion).

The lower court's concern about the delay between the underlying facts supporting the seizure and the actual seizure is misplaced for two additional reasons. First, it rests on the faulty premise that probable cause to seize (a person or contraband) becomes stale over time. Although the Fourth Amendment protects a seized person by the requirement of a prompt judicial determination that a warrantless arrest is founded upon probable cause, *see County of Riverside v. McLaughlin*, 500 U.S. 44, 53 (1991), even that protection accommodates the practicalities of law enforcement. *Id.* Just as "[t]here is no constitutional right to be arrested," because "no one's interests would be well served by compelling prosecutors to initiate prosecutions as soon as they are legally entitled to do so," *United States v. Lovasco*, 431 U.S. 783, 792 & n.13 (1977) (internal quotations and citations omitted), there is no Fourth Amendment right to speedy seizures.

Second, to criticize police for delays in seizing either suspects or contraband misapprehends the nature of ongoing criminal investigations. Few criminal investigations, if any, exist in isolation, but are often connected to other investigations and many officers. Whether by design or circumstance, police may either need or happen to make an arrest or other seizure at a time removed from that when the underlying circumstances supporting probable cause first arose. The time frame involved in this case, a matter of months, cannot raise any serious constitutional concerns in light of the practicalities of law enforcement.[3]

C. The Exigency Underlying the "Automobile Exception" to the Warrant Requirement Also Justifies the Warrantless Seizure of White's Automobile

1. Even where, unlike here, police conduct implicates privacy concerns, this Court has not required police to obtain warrants in all circumstances. Because reasonableness is the touchstone of the Fourth Amendment, the Court has approved warrantless searches in a variety of circumstances where it is generally reasonable for the police not to obtain a warrant. *See*,

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[3] The Court has suggested that some privacy or possessory interests might make the length of time a vehicle is kept by police before being searched unreasonable. *See United States v. Johns*, 469 U.S. 478, 487 (1985). It is also not inconceivable that the length of time a vehicle *remains seized* before being forfeited might implicate similar interests, *see United States v. Jacobsen*, 466 U.S. 109, 124 & n.25 (1984), although such interests are *de minimis* at the time of seizure. *See Brown*, 460 U.S. at 739 (plurality opinion) (describing interests in a contraband object as "merely those of possession and ownership"). Neither of these concerns has been raised in this case, and neither suggests any basis to conclude that an initial warrantless seizure based on probable cause would be unreasonable.

e.g., *New York v. Belton*, 453 U.S. 454, 460-61 (1981) (reasonable to search passenger compartment of vehicle incident to arrest); *United States v. Robinson*, 414 U.S. 218, 234-35 (1973) (reasonable to search arrestee incident to arrest); *Carroll*, 267 U.S. at 153 (reasonable to search automobile where police have probable cause to believe that it contains contraband). In any such case, the balance is between "the public interest and the individual's right to personal security free from arbitrary interference by law officers." *Maryland v. Wilson*, 519 U.S. 408, 411 (1997) (internal quotation marks and citation omitted).

Even were we to assume that the police's "plain view" seizure of White's automobile invaded his privacy interests, the balance would still favor the police acting without a warrant. Several of the exceptions to the warrant requirement sanctioned by this Court arise from concerns specific to moving vehicles. *See, e.g., Carroll*, 267 U.S. at 153 (automobile exception); *Ross*, 456 U.S. at 825 (when police conduct a warrantless search under *Carroll*, they may search all compartments and containers within the car). In particular, the Court has recognized "the impracticability of securing a warrant in cases involving the transportation of contraband goods" and "that an immediate intrusion is necessary if police officers are to secure the illicit substance." *Ross*, 456 U.S. at 806-07 (footnote omitted). This exigency is fully present when police seek to seize an automobile that is subject to a state's forfeiture law.

To begin with, as noted in subsection B above, the public interest in contraband forfeiture statutes is significant. That interest would be jeopardized by a warrant requirement when the object to be seized is an automobile. Automobiles, by their nature, are property that is "of a sort that could be removed to

another jurisdiction . . . or concealed." *Calero-Toledo*, 429 U.S. at 679. Any delay occasioned by securing a warrant once the police have lawfully come across a vehicle subject to forfeiture will place the seizure at risk. This is true regardless of the location of the vehicle or its owner at the time of the seizure. The Court does not "distinguish between 'worthy' and 'unworthy' vehicles," *California v. Carney*, 471 U.S. 386, 394 (1985) – all vehicles are susceptible to being "quickly moved." *Carroll*, 267 U.S. at 153; *see also Chambers v. Maroney*, 399 U.S. 42, 51-52 (1970) (search of vehicle founded on probable cause may be conducted on spot or later at station house). Thus, the Florida Supreme Court's conclusion, Pet. App. A-10, that White's arrest removed any exigency was incorrect; White's car was still a "fleeting target" of seizure. *Chambers*, 399 U.S. at 52.

Moreover, when police seize a vehicle subject to forfeiture as contraband under state law, their probable cause determination is especially reliable because it is typically based on the fruits of a prior valid search or arrest or, at the very least, on information that would support a valid search or arrest. For example, the facts supporting seizure in this case included eyewitness and videotape evidence that the car was used in drug transactions. Pet. App. A-25 to A-26. Indeed, it is hard to conceive that vehicles will ever be seized under the Florida forfeiture statute in circumstances less certain than those that would support probable cause to search for contraband in the first instance under the automobile exception.

2. To this point, we have assumed in this subsection that the police's seizure of White's car invaded his privacy interests. As demonstrated in the discussion of the "plain view" doctrine, however, the seizure did not in fact invade any such interests.

A person does not have a legitimate expectation of privacy in an object placed in public view, as White's car was.[4] And any possessory interest White retained "must yield to society's interest in making sure that the contraband does not vanish during the time it would take to obtain a warrant." *Brown*, 460 U.S. at 749-50 (Stevens, J., concurring in the judgment).

The Florida Supreme Court may be correct in stating (Pet. App. A-9) that the automobile exception does not literally apply here – the police did not conduct a warrantless search of a car based on probable cause to believe the car contained contraband. But the fact that the police conducted a seizure, not a search, only strengthens the validity of the police's acting without a warrant because no privacy interests were invaded. It would be anomalous to require a warrant to seize a vehicle when no warrant is required in analogous circumstances to search it. *See* 3 Wayne R. LaFave, *Search & Seizure* §7.3(b), at 516 (3d ed. 1996). Moreover, there is no reason why warrantless police actions are less justified when the probable cause pertains to the car itself as opposed to contraband within a car.

Other situations where police are permitted to act without warrants further show the anomalous nature of the lower court's ruling. First, police may, without a warrant, search passenger compartments incident to arrest and conduct inventory searches of impounded cars – without any probable cause to believe contraband will be found. *Belton*, 453 U.S. at

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[4] As a general proposition, of course, citizens' privacy interests in automobiles are diminished considerably due to both their mobility and the great amount of noncriminal official contact to which they are subject by extensive regulation and use in public. *See Cady v. Dombrowski*, 413 U.S. 433, 441-42 (1973).

460; *South Dakota v. Opperman*, 428 U.S. 364, 375-76 (1976). It makes no sense to impose a stricter rule when there is probable cause with respect to the very object being seized. Second, police may arrest persons in public places without a warrant. *See United States v. Watson*, 423 U.S. 411, 418-24 (1976). The lower court decision would have the anomalous consequence of making it easier to seize people than to seize their property.

In the end, whatever limits may be found from other constitutional sources (such as the Due Process Clause), states surely do not violate the Fourth Amendment through drug contraband-forfeiture laws applied to vehicles any more than Congress exceeded it with respect to contraband liquor as in *Carroll*. History and doctrine lead to the same conclusion: the numerous state statutes across the country that authorize warrantless seizures of automobiles that are subject to forfeiture are consistent with the Fourth Amendment.

II. A DUE PROCESS ANALYSIS WOULD NOT TURN ON THE USE OF A WARRANT

Although the Question Presented asks only a Fourth Amendment question, the Florida Supreme Court reached its holding in part by conflating notions of due process and the Fourth Amendment. Pet. App. A-7 to A-8. Because that court did so, amici briefly address due process. This Court's two principal authorities on point suggest that police serve any due process interests at stake in the seizure of a vehicle subject to forfeiture equally well whether they act on probable cause alone or with a warrant.

As to the seizure of real property, the Court has concluded that the Fourth Amendment warrant requirement is *in*adequate to protect due process interests. *See United States v. James Daniel Good Real Property*, 510 U.S. 43, 50-52 (1993). On the other hand, in *Calero-Toledo*, the Court held that the due process requirements of pre-seizure notice and a hearing are not required to seize a vehicle, there a yacht, due to the mobility of the vehicle, the significance of the governmental interest, and the fact that the seizure was pursuant to a statute, as opposed to a writ of replevin meant to accomplish private ends. 416 U.S. at 679.

The Court's reference to the statute, which required some judicial process, in no way suggested that due process requires the government to obtain a warrant before seizing vehicles subject to forfeiture. Rather, the statute, as noted, simply confirmed in that case that the seizure served a public purpose – which was surely the case here as well.[5] All three concerns identified by the Court in *Calero-Toledo* supporting seizure without a hearing or notice are served whether the means of seizure is judicial process or simply a probable-cause determination. The public interests served by seizure and forfeiture (*in rem* jurisdiction and prevention of illicit use, to name two) and the possibility that they will be frustrated by pre-seizure delay due to the mobility of vehicles are certainly the same whether a warrant is obtained or not. In addition, with or without a warrant, a forfeiture seizure is made to serve public goals, not the private interests of a lien holder. The

[5] *Calero-Toledo* addressed Puerto Rico law, which, unlike the laws of most amici, required the use of process. P.R. Laws Ann. tit. 24, §2512(b); *see* 416 U.S. at 679-80 n.4; Appendix.

police's seizure of White's car was fully consistent with due process principles.

CONCLUSION

The judgment of the Florida Supreme Court should be reversed.

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APPENDIX

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Statutes that Provide for the Forfeiture of Vehicles and Seizure Without a Warrant

Ala. Code §20-2-93(a)(5) & (b)(4) (Repl. 1997).
Alaska Stat. §§17.30.110(4) & 17.30.114(a)(3) (1998).
Ariz. Rev. Stat. §13-4305A.3(c) (Cum. Supp. 1998).
Ark. Code Ann. §5-64-505(a)(4) & (b)(5) (Repl. 1997).
Cal. Health & Safety Code §§ 11470(c) & 11471(d) (Cum. Supp. 1998).
Colo. Rev. Stat. §§16-13-504(1) (contraband) & §18-18-410 (nuisance) (1998) .
Conn. Gen. Stat. Ann. §§ 21a-246(d)(4) & 54-33g (nuisance) (West 1998).
Del. Code Ann. tit. 16, §4784(a)(4) & (c)(4) (Repl. 1995).
D.C. Code Ann. §33-552(a)(4) & (b) (Repl. 1998).
Fla. Stat. Ann. ch. 932.701-.707 (West 1998).
Ga. Code Ann. §16-13-49(d)(2), (3) & (g)(2) (1996).
9 Guam Code Ann. §67.80(a)(4) & (b)(4) (1996).
Haw. Rev. Stat. §329-55(a)(4) & (b)(4) (Repl. 1996) & §712A-6(1)(c)(iv) (Supp. 1998).
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N.H. Rev. Stat. Ann. §318-B:17-b-I(b) & I-b(b) & (d)(1995).
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